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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<i>FACSIMILE TRANSMITTED OR</i>		15632	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>November 7, 2008</u> Signature <u><i>William J. Clemens</i></u> Typed or printed <u>William J. Clemens</u> name _____		Application Number <u>09/855,000</u>	Filed <u>May 14, 2001</u>
		First Named Inventor <u>Schuster</u>	
		Art Unit <u>2135</u>	Examiner <u>L. Truvan</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		<u><i>William J. Clemens</i></u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)		<u>William J. Clemens</u> Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>26,855</u>		<u>248-960-2100</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u>November 7, 2008</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

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William J. Clemens

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KILIAN SCHUSTER et al.)	Group Art Unit: 2135
)	
Serial No. 09/855,000)	Examiner: L. Truvan
)	
Filed: May 14, 2001)	Attorney Docket: 15632
)	
For: METHOD OF INITIATING A SECURITY)	Confirmation No.: 1245
PROCEDURE WITHIN A BUILDING)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PRE-APPEAL BRIEF REQUEST FOR REVIEW

Honorable Sir:

Review of the above-identified application is requested for the following reasons:

1. In the Office Action dated March 7, 2008, the Examiner rejected Claims 21-31 under 35 U.C. 103(a) as being unpatentable over Allen, et al. (US 6,000,505) and further in view of Brooks (US 6,898, 299).

2. Allen refers to an elevator system operable as emergency egress and evacuation during a fire incident. Upon detection of a fire incident in a building, a communication mechanism sends a detection signal and a status signal to a remote fire department (col. 6, lines 1-7). On page 2 of the Final Office Action, the Examiner states that Brooks is combined with Allen to teach the process of the creation, transmission, detection and checking of a virtual key. However, on Page 5 of the Final Office Action, the Examiner states that Allen teaches the

limitations of step e which recites "generating a virtual key". It is Applicant's position that Allen does not disclose the steps e. through j. of independent Claims 21 and 31.

3. Regarding Applicant's Claims 21 and 31, the Examiner stated that Brooks discloses: step e. generating a virtual key [Brooks - col. 43, lines 8-22] for the at least one based on the at least one requirement detecting the occurrence of the at least one initiating event and prior to the at least one person arriving at the building [col. 20, lines 2-5]; step f. transmitting virtual key to the at least one person; [Brooks - col. 50, lines 8-30]; step g. detecting use of the virtual key by the at least one person in the building [Brooks - col. 34, lines 28-38]; step h. checking the validity of the virtual key [Brooks - col. 28, lines 28-42 and col. 37, lines 12-27]; step i. initiating said procedure within the building if the validity check is positive [Brooks - col. 47, lines 45-60 and col. 49, lines 5-6] wherein initiating the procedure consist of performing at least one of the steps of: opening of at least one door of the building [Brooks - col. 37, lines 12-27 and col. 47, lines 45-60] making at least one elevator available; opening of at least one elevator door; and step j. performing said steps a. through i. in an access control computer system associated with the building. [col. 19, line 37 - col. 20, line 60].

4. Brooks teaches a method and an apparatus for authenticating an individual by means of biometric data which are verified upon e.g. depressing a door handle or placing a hand on a hand sensor. A door is unlocked after successful authentication (col. 33, lines 40-49). Applicant disagrees with the Examiner's interpretation that Brooks discloses the steps e. "generating a virtual key" and f. "transmitting the virtual key" recited in Applicant's Claims 21 and 31. According to Brooks, biometric data of the individual are verified. For doing so, a biometric signature is measured and stored as a reference signature and an actual biometric signature is measured and compared with the stored reference signature. Brooks neither generates a biometric signature (Brooks measures an existing biometric signature of a person), nor transmits a biometric signature to an individual.


5. The person skilled in the art has no motivation to combine Allen and Brooks. Allen shows an automatic building evacuation system with a control unit programmed to automatically define an evacuation zone and to drive elevator cars to evacuate building occupants (col. 6, lines 18-35). For the building evacuation, the physical presence of firemen is not

necessary (col. 7, lines 22-24). The fire department can override the emergency evacuation from a building lobby or from a fire alarm panel (col. 8, lines 12-14). Access to the lobby or the panel occurs by using the ASME A17.1 code required fire department key (col. 4, lines 10-24).

6. Brooks on the other hand unlocks a door after successful biometric authentication of an individual. There is no reason to individually authenticate firemen prior to fighting a fire in a building. Therefore, as neither Allen nor Brooks generate a virtual key or transmit a virtual key to a person, the method recited in Applicant's Claims 21-31 is not obvious.

7. Applicant believes that the claims of record define patentable subject matter over the art of record.

Respectfully submitted,


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